

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MORGAN

V.
NETWORK ENGINES

CIVIL ACTION NO.03-12529-JLT

PROCEDURAL ORDER RE: PRETRIAL CONFERENCE

TAURO, D. J.:

The captioned action is scheduled for a pretrial conf. on April 4, 2006 at 11:00 a.m..
Trial counsel shall be present at this conference and have full authorization from their clients with respect to settlement. TRIAL SHALL BE SCHEDULED AT THAT TIME.

Counsel shall meet and confer prior to the conference for the purpose of discussing settlement and preparing, either jointly or separately, a status report which must be filed on or before :

If the matter is resolved, counsel shall advise the court on or before the above date or this action will be subject to dismissal or default for failure to file a status report. The report shall be signed by trial counsel and include the following information:

1. A concise summary of the evidence that will be offered by all parties, with respect to both liability and damages (including special damages, if any).
2. The facts established by the pleadings or by stipulations or admissions of counsel.
3. Contested issues of fact.
4. Any jurisdictional questions.
5. Any questions raised by pending motions.
6. Issues of law, including evidentiary questions, together with supporting authority.
7. Any requested amendments to the pleadings.
8. Any additional matters to aid in the disposition of the action.
9. The probable length of the trial.
10. The names of witnesses to be called (expert and others).
11. The proposed exhibits.

ALL PARTIES SHALL HAVE FULLY COMPLIED WITH LOCAL RULES 26.2(A) AND 26.1(B) PRIOR TO THE SCHEDULED CONFERENCE.

Counsel shall be fully prepared to address all pending motions, trial schedule, and settlement. Immediately upon receipt of this Order, any counsel who realizes that one or more attorneys have not been notified, shall forthwith notify the additional attorney(s) in writing and file a copy of the writing with the Clerk.

Compliance with this Order is not excused absent the actual filing of closing papers or the entry of a Settlement Order of Dismissal in a form prescribed by the court.

By the Court,
/s/

Dated: 3/20/06

Deputy Clerk